

OFFICIAL COPY

Fresno, California

July 17, 2001

The City Council met in joint session with the Redevelopment Agency at the hour of 8:45 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Councilmember
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Acting Council President
	Henry Perea	Council President

Dan Hobbs, City Manager  
Dan Fitzpatrick, Agency Executive Director  
Hilda Cantu Montoy, City Attorney  
Rebecca Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

**(8:45 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY - COUNCIL/AGENCY ROLL CALL**

Jan Van Oosten, Senior Pastor, New Covenant Community Church, gave the invocation, and Sylvia Mehas led the Pledge of Allegiance to the Flag.

**RESOLUTION OF COMMENDATION TO JOHN FERDINANDI - COUNCILMEMBER CALHOUN**

Read and presented.

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**APPROVE AGENCY MINUTES OF JUNE 19 AND 26, 2001**

On motion of President Perea, seconded by Councilmember Calhoun, duly carried, RESOLVED, the Agency minutes of June 19 and 26, 2001, approved as submitted.

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**UNSCHEDULED AGENCY ORAL COMMUNICATIONS**

**APPEARANCE BY BARBARA HUNT, 944 "F" STREET, REGARDING COUNCIL DISTRICT BOUNDARIES AND USE OF AGENCY FUNDS**

Appearance made; no action taken.

**(“A”) APPROVE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY AND RRM DESIGN GROUP TO PREPARE BID-PLAN SPECIFICATIONS AND ESTIMATE FOR THE UPTOWN ARTS DISTRICT STREETScape IN THE FULTON REDEVELOPMENT AREA (AGENCY ACTION)**

Redevelopment Administrator Murphey briefly reviewed the staff report as submitted.

Barbara Hunt, 944 “F” Street, spoke to the issue.

Acting President Ronquillo briefly reviewed the history of the Uptown District and spoke in strong support of the matter stating this would bring visitors downtown and hopefully take the area to another level to attract enterprise, and commended staff for all their efforts. Upon question of President Perea Ms. Murphey confirmed the focus would first be around the museums.

On motion of Acting President Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the Consultancy Agreement with RRM Design Group for the Uptown Arts District Streetscape project hereby approved, and the Executive Director or Redevelopment Administrator authorized to sign the agreement on behalf of the Redevelopment Agency, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

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The joint bodies adjourned at 9:09 a.m. and City Council continued in regular session.

**RESOLUTION OF COMMENDATION TO SUDARSHAN KAPOOR - COUNCILMEMBERS CASTILLO AND DUNCAN**

Read and presented.

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**APPROVE MINUTES OF JUNE 26, 2001**

Relative to Page 137-369, Councilmember Calhoun thanked staff for showing him as “Recused” during the vote versus “Absent” due to his potential conflict of interest. On motion of Councilmember Duncan, seconded by Councilmember Castillo, duly carried, RESOLVED, the minutes of June 26, 2001, approved as submitted.

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**REQUEST ALL COUNCIL MEMBERS RECEIVE ANY AND ALL INFORMATION SUBMITTED BY THE MACIAS CONSULTING GROUP, INCLUDING PRELIMINARY/DRAFT REPORTS - COUNCILMEMBER QUINTERO**

Councilmember Quintero expressed concern that not all Councilmembers received information recently submitted by the MCG and brief discussion ensued with President Perea and City Manager Hobbs responding to questions.

**(10:00 A.M. #1)** HEARING IN PLAN AMENDMENT NO. A-01-01, REZONING APPLICATION NO. R-01-02, AND RELATED ENVIRONMENTAL ASSESSMENT, FILED BY WESTCAL, INC., PROPERTY LOCATED ON THE WEST SIDE OF N. WILLOW BETWEEN E. BEHYMER AND E. PERRIN AVENUES  
(REQUEST TO CONTINUE TO AUGUST 21, 2001, AT 10:15 A.M.)

Continued to *July 31, 2001*, at 10:15 a.m. at the request of staff.

**(3A)** ACCEPT THE ANNUAL REPORT ON THE PERFORMANCE OF CALCOT, LTD., IN COMPLYING WITH THE TERMS AND CONDITIONS OF THEIR PROJECT DEVELOPMENT AGREEMENT

**1. \* RESOLUTION** - APPROVING THE RECLASSIFICATION OF CONTINGENCY APPROPRIATIONS IN THE PUBLIC WORKS CAPITAL BUDGET FOR THE PAYMENT TO CALCOT, LTD.

Set for 10:00 a.m. this date at the request of Calcot.

**(3B)** REQUEST TO SET DATE AND TIME FOR WORKSHOP WITH THE HUMAN RELATIONS COMMISSION

Removed from the agenda at the direction of President Perea who stated he would discuss the matter with the city manager.

On motion of Councilmember Calhoun, seconded by Acting President Ronquillo, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**ADOPT CONSENT CALENDAR:**

**(1A-1)** AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH TWO ONE-YEAR EXTENSIONS TO FREEDOMFORD IN THE AMOUNT OF \$74,671.57 TO PROVIDE COMPACT PICKUP TRUCKS TO THE CITY

**(1A-2)** AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH TWO ONE-YEAR EXTENSIONS TO HENDRICK'S HALLOWELL CHEVROLET IN THE AMOUNT OF \$173,463.30 TO PROVIDE ½ TON PICK TRUCKS TO THE CITY

**(1A-3)** AWARD A CONTRACT FOR THE BASE BID AND ADD-ALTERNATE 1 (PVC PIPE) AS THE LOWEST COMBINATION OF THE BASE BID AND ADD-ALTERNATE, TO BILL NELSON GENERAL ENGINEERING CONSTRUCTION, INC., IN THE AMOUNT OF \$410,992.50 FOR HUGHES-WEST DIAGONAL SEWER AND WATER INSTALLATION

**(1A-4)** AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS FOR JOINT RESTRAINTS TO U.S. FILTER IN THE ESTIMATED AMOUNT OF \$88,154.02

**(1A-5)** AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS FOR TAPPING SLEEVES AND TAPPING GATE VALVES TO AMERICAN AVK COMPANY IN THE ESTIMATE AMOUNT OF \$85,084.67

**(1A-6) RESOLUTION NO. 01-218** - AUTHORIZING THE COUNTY OF FRESNO TO SUBMIT TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD A REGIONAL APPLICATION FOR A HOUSEHOLD HAZARDOUS WASTE GRANT FUNDING A PERMANENT HOUSEHOLD HAZARDOUS WASTE FACILITY TO SERVE THE REGION, INCLUDING THE CITY OF FRESNO

**(1A-7) RESOLUTION NO. 01-219** - CONCERNING LOCAL TRANSPORTATION PURPOSE FUNDS MEASURE "C"; AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE LOCAL TRANSPORTATION PURPOSES CERTIFICATIONS AND CLAIM FORM

**(1A-8) RESOLUTION NO. 01-220** - APPROVING THE SUMMARY VACATION OF A PORTION OF PALO ALTO AVENUE BETWEEN BRYAN AND HAYES AVENUES, AND BRYAN AVENUE BETWEEN HERNDON AND PALO ALTO AVENUES

**(1A-9)** ADOPT RESOLUTIONS PERTAINING TO PROPOSED CITY OF FRESNO COMMUNITY FACILITIES DISTRICT (CFD) NO. 5 (FOUNDRY PARK PUBLIC IMPROVEMENTS PROJECT)

**a. RESOLUTION NO. 01-221** - INTENT TO ESTABLISH CFD N. 5 AND AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE PROPOSED DISTRICT

**b. RESOLUTION NO. 01-222** - INTENT TO INCUR A BONDED INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED \$1,400,000 WITHIN PROPOSED CFD NO 5

**(1A-10)** ACCEPT MASTER AGREEMENT ADMINISTERING AGENCY-STATE AGREEMENT NO. 06-000060 BETWEEN THE STATE OF CALIFORNIA AND THE CITY FOR STATE FUNDED PROJECTS; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO APPROVE AND SIGN SUPPLEMENTAL AGREEMENTS TO THE MASTER AGREEMENT ON BEHALF OF THE CITY

**(1A-11)** APPROVE AN AGREEMENT WITH PROVOST & PRITCHARD ENGINEERING GROUP, INC., FOR SURVEYING AND DESIGN OF PLANS AND GENERAL CONSTRUCTION DOCUMENTS FOR THE RELOCATION OF WATER, SEWER AND STREET LIGHTING FACILITIES FROM ROUTE 180 BETWEEN CHESTNUT AND CLOVIS AVENUES; AND AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

**(1A-12) RESOLUTION NO. 01-223** - APPROVING THE FINAL MAP FOR TRACT NO. 4964, PROPERTY LOCATED ON THE EAST SIDE OF N. MARKS BETWEEN E. HERNDON AND E. SIERRA, AND ACCEPTING DEDICATED PUBLIC USES THEREIN

- 1.** AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT, STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE, AND STATEMENT OF COVENANTS FOR DEFERRAL OF REQUIREMENT TO UNDERGROUND UTILITIES
- 2.** AUTHORIZE THE DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN; AND THE STATEMENT OF COVENANTS FOR PLANTING AND MAINTAINING FRONT YARD TREES

**(1A-13) \* RESOLUTION NO. 01-224** - APPROPRIATING \$2,3000 OF DISTRICT 5'S BUDGET FOR THE POLICE DEPARTMENT'S 100<sup>TH</sup> YEAR ANNIVERSARY CELEBRATION

On motion of Councilmember Quintero, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(5A) DIRECT THE CITY ATTORNEY TO LOOK INTO CHANGING THE CITY ORDINANCE TO IMPOSE A HIGHER FINE ON PEOPLE THAT CAUSE PERMANENT DAMAGE TO PROPERTY AS A RESULT OF GRAFFITI - COUNCILMEMBER BOYAJIAN**

Councilmember Boyajian advised graffiti vandals were now using acid and shoe polish on windows, expressed his concern stating it was time the City took a stand and dealt with the “graffiti war” a stricter way, and questioned how the City could go beyond the \$1,000 fine/1-year jail term, with City Attorney Montoy responding. Acting President Ronquillo stated a good relationship was needed with the District Attorney and victims needed to be able to obtain information on the vandals to file court actions for reimbursement. **(2 - 0)** Councilmember Quintero commented on an incident at Cedar and Shields wherein the City was only able to prosecute for damage made to city property with Ms. Montoy advising there had been follow-up legislation, explained what citizens could do, and noted there was a process in working with the D.A. and she would provide a report on options to be more proactive including the need for additional staff.

On motion of Councilmember Boyajian, seconded by Acting President Ronquillo, duly carried, RESOLVED, the City Attorney directed to look into changing the city ordinance to impose a higher fine on people that cause permanent damage to property as a result of graffiti and report back with options in 2-3 weeks, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**UNSCHEDULED ORAL COMMUNICATIONS:**

**APPEARANCE BY BARBARA HUNT, 944 “F” STREET, REGARDING INFRASTRUCTURE PROBLEMS AT “F” AND VENTURA STREETS WHICH CAUSED HER TO FALL**

Appearance made; no action taken.

**APPEARANCE BY ERIN OULD, 5264 N. THORNE, REQUESTING ELIMINATION OF ENTRANCE FEES TO ROEDING AND WOODWARD PARKS**

Appearance made; no action taken.

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**RECESS - 9:44 A.M. - 9:49 P.M.**

**(9:45 A.M.) APPEARANCE BY EDWARD ECHOLS TO DISCUSS PARKING CONDITIONS IN FRONT OF HIS RESIDENCE DUE TO CLIENTELE AT 330 N. FULTON STREET**

Mr. Echols expressed his concern with problems encountered and requested the curb in front of his home be painted red stating that would be the only solution. Brief discussion ensued and Mr. Echols was advised to work with staff and staff was requested to provide a report and recommendation on the matter.

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**(9:50 A.M.) APPEARANCE BY NASAR SALEM TO DISCUSS THE MORATORIUM PLACED ON THE OPENING OF CAR DEALERSHIPS IN THE CITY AND THE HARDSHIP PLACED ON HIS BUSINESS LOCATED AT 2320 N. BLACKSTONE AVENUE**

Mr. Salem reviewed the issue and requested Council grant a hardship exception for his business. Planning Manager Beach stated Mr. Salem's case was a matter of due process noting he applied for a rezone and was now going through the process and explained. Lengthy discussion ensued with Mr. Salem, Mr. Beach and President Perea responding to questions and/or clarifying matters relative to Mr. Salem's situation, how Mr. Salem "got caught up in the moratorium", fast-tracking the process, if staff lays out all pertinent issues to persons applying for new businesses and if written information was available for them, if Mr. Salem knew of the issues involved when he purchased the property, and if President Perea (as the district representative) supported Mr. Salem's business. There was no further discussion.

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**(9:55 A.M.) APPEARANCE BY RICK FLORES TO DISCUSS THE PROPOSED INCREASE IN TRANSIT FEES**

Mr. Flores spoke in opposition to increasing transit fees and submitted a written information to Mayor Autry, President Perea and Councilmember Quintero, a copy of which is on file in the office of the City Clerk. There was no action taken.

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**(3A) ACCEPT THE ANNUAL REPORT ON THE PERFORMANCE OF CALCOT, LTD., IN COMPLYING WITH THE TERMS AND CONDITIONS OF THEIR PROJECT DEVELOPMENT AGREEMENT**

**1. \* RESOLUTION NO. 01-225 - APPROVING THE RECLASSIFICATION OF CONTINGENCY APPROPRIATIONS IN THE PUBLIC WORKS CAPITAL BUDGET FOR THE PAYMENT TO CALCOT, LTD.**

Public Works Director Williamson reviewed the issue as contained in the staff report as submitted, recommended Council accept the report and approve the resolution, and upon question of President Perea advised the \$570,000 payment to Calcot would come out of Measure "C" funds.

Dirk Poeschel, representing Calcot, noted he was available to answer any questions and stated the success of the business-industrial park was self-explanatory with its generation of jobs and tax base.

**(3 - 0)** Extensive discussion ensued with Mr. Poeschel and Assistant City Manager Souza responding to questions and concerns of Councilmembers Calhoun, Ronquillo and Castillo and/or clarifying issues relative to background of the agreement, Council's awareness in 1996 of monies what would be expended over the term of the contract, if there were any other similar incentive-like projects in Fresno, how the \$7.5 million amount to be paid by the City was determined, funding sources identified back in 1996, concern with using Measure "C" as the funding source, upcoming major payments and if staff had concerns with next years funding source, new jobs generated and if businesses relocating to Calcot from other parts of the city were considered "new" jobs, responsible party to recruit new business to the park, estimated total value of the project, future benefits exceeding the City's \$7.5 million, if any projects would be defunded due to the use of Measure "C" funds, and why there wasn't "better planning" with Measure "C" if funds were available to pay Calcot.

Councilmember Castillo made a motion to look at sources other than Measure "C" dollars. Ms. Montoy clarified at issue was the City's contractual obligation with developer performance and added the matter was at this point due to Council's request to see Calcot's performance. Councilmember Castillo stated his concern was the poor planning and taking money for the debt payment from a pot he felt it should not be taken from. Mr. Souza advised of the options staff weighed in determining a funding source and why Measure "C" was selected, and City Manager Hobbs advised -- to help in the future -- that he would be recommending development of a 5-year capital improvement program for long-range financial planning that would list all obligations now and for the future. Councilmember Castillo requested the report include tax increment derived from all projects going towards a special account for payments due.

Mr. Williamson responded to questions of President Perea relative to what the payments would be for the next 2-3 years and the recommended funding source, and next year's potential allocation of Measure "C" towards the debt. President Perea stated his concern was trading off neighborhoods to repay the debt, commented on other debts and stated he wanted assurance companies were performing noting he had not heard that this date, and added Council had not received a full analysis on all the projects. Councilmember Castillo stated he would not be supporting the motion due to the fact Measure "C" funds would be used.

On motion of Councilmember Duncan, seconded by Acting President Ronquillo, duly carried, RESOLVED, the annual report on the performance of Calcot, Ltd., hereby accepted, and the above entitled Resolution No. 01-225 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero, Ronquillo
Noes	:	Castillo, Perea
Absent	:	None

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**(10:00 A.M. #2) DIRECT STAFF TO EVALUATE ALTERNATIVE FOR AUGMENTING THE CITY OF ORANGE COVE WATER SUPPLY FOR ECONOMIC DEVELOPMENT PURPOSES ONLY, AND REPORT BACK WITHIN 30 DAYS - PRESIDENT PEREA**

Orange Cove Mayor Lopez requested 2,000 acre-feet of water from Fresno stating their water situation was a very serious matter, and advised of economic development projects being proposed and the opportunities for industries to relocate to Orange Cove which could not due to the lack of water.

Acting President Ronquillo spoke in support of the request stating by helping Orange Cove Fresno would also help Fresno County and added this situation indirectly impacted everyone. Mayor Lopez responded to questions of Councilmember Castillo relative to whether he had approached any private water companies and Councilmember Castillo stated his support. Councilmember Quintero made a motion to approve the direction as outlined above.

Discussion ensued with Councilmember Duncan stating this was indicative of the water shortage in the valley, noted his concern was whether Fresno had 60,000 acre-feet or if it would be lost, and stated it would be a challenge to make a commitment to Orange Cove due to that uncertainty. **(4 - 0)** President Perea stated if the city could help Orange Cove it would but clarified Council first needed all relevant information from staff, and explained why he tied Orange Cove's request to economic development and jobs. Interim Public Utilities Director McIntyre and Mayor Lopez responded to questions of Councilmember Boyajian relative to whether Fresno had ever sold water to other cities, how much 2,000 acre-feet of water was/number of people it would serve, why Fresno did not sell water to other cities, if Fresno was currently experiencing a water crisis, where Orange Cove currently received their water and if they had been approached, if Orange Cove did not have a future economic development plan, and if they pumped water and had talked with Fresno County. Councilmember Calhoun concurred with Councilmember Duncan on problems Fresno may face and spoke in opposition to the motion stating he did not think it was fair, it placed an unfair burden on staff, and this was not the right direction to go, and concluded stating Fresno needed to wait for answers from the federal government before acting on the request.

On motion of Councilmember Quintero, seconded by Acting President Ronquillo, duly carried, RESOLVED, staff directed to evaluate alternatives for augmenting the City of Orange Cove water supply for economic development purposes only, and report back within 30 days, by the following vote:

Ayes	:	Castillo, Quintero, Ronquillo, Perea
Noes	:	Boyajian, Calhoun, Duncan
Absent	:	None

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**(10:15 A.M.) HEARING ON REZONING APPLICATION NO. R-01-001, AND RELATED ENVIRONMENTAL FINDINGS, FILED BY VALLEY FINEST PRODUCTS, INC., PROPERTY LOCATED ON THE NORTHSIDE OF W. SAN JOSE BETWEEN N. PALM AND N. MAROA AVENUES**

**1. CONSIDER AND ADOPT NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. T-4997, R-01-001, C-01-004, DATED MAY 30, 2001**

**2. BILL NO. B-61 - ORDINANCE NO. 01-55 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1-AH TO R-1**

President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Lewis briefly reviewed the staff report as submitted and recommended approval.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the Negative Declaration for Environmental Assessment No. T-4997, R-01-001, C-01-004, dated May 30, 2001, hereby approved, the above entitled Bill No. B-61 rezoning the subject property to become effective for any portion of the site for which a final map of Vesting Tentative Tract No. 4997 is recorded adopted as Ordinance No. 01-55, by the following vote:



Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea  
Noes : None  
Absent : None

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**(10:30 A.M.) HEARING ON TRACT MAP NO. 4723 AND REZONING APPLICATION NO. R-00-19, AND RELATED ENVIRONMENTAL FINDINGS, FILED BY BOB AND KAREN MCCAFFREY, PROPERTY LOCATED ON THE NORTHEAST CORNER OF W. ALLUVIAL AND W. RIVER VISTA DRIVE**

**1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. TT-4723, R-00-19**

**2. BILL NO. B-62 - ORDINANCE NO. 01-56 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20/BP/UGM TO R-1-C/BP/UGM**

President Perea announced the time had arrived to consider the issue and opened the hearing. Planning Manager Beach reviewed the issue and staff report as submitted and recommended approval.

Gary Giannetta, 1119 "S" Street, representing the applicants, requested approval.

A motion and second to approve staff's recommendation was made and acted upon after brief discussion on access and notification issues, with Mr. Beach clarifying and responding to questions.

Upon call, no one else wished to be heard and President Perea closed the hearing.

On motion of Councilmember Calhoun, seconded by Councilmember Quintero, duly carried, resolved, the Mitigated Negative Declaration for Environmental Assessment No TT-4723, R-00-19, hereby approved; and the above entitled Bill No. B-62 rezoning the subject property to become effective for any portion of the site for which a final map of Vesting Tentative Tract No. 4723/UGM is recorded adopted as Ordinance No. 01-56, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea  
Noes : None  
Absent : None

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**(10:45 A.M.) RESOLUTION NO. 01-226 - APPROVING FINAL MAP OF TRACT NO. 4995, PROPERTY LOCATED ON THE WEST SIDE OF N. ARMSTRONG NORTH OF E. KINGS CANYON, AND ACCEPTING THE DEDICATED PUBLIC USS THEREIN**

Councilmember Quintero advised he met with the developer relative to questions he had, and Development Director Yovino gave a brief overview and stated issues relative to security and subdivision map follow-up requirements had been resolved. Acting President Ronquillo left the meeting at 11:37 a.m. and returned for the afternoon session. Councilmember Quintero commended the developer in reaching agreement with the new home owners, thanked staff for all their efforts, and requested clarification on green space with an unidentified developer representative confirming they would provide green space with a pathway going through it.

On motion of Councilmember Quintero, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 01-226 hereby adopted; the Public Works Director authorized to execute the Grant Deed for Outlot "C" to Synergy-Golden Dawn, LLC on behalf of the City, the Subdivision Agreement, the Statement of Covenants Affecting Land Development for Landscape Maintenance, and the Statement of Covenants Affecting Land Development for Temporary Off-Site Storm Drainage Facilities for Tract No. 4995; and the Development Director authorized to execute the Statement of Covenants affecting Land Development Deferring Certain Sewer Connection Charges, Water Connection Charges, Urban Growth Management Fees and Development Fees to the Time of Issuance of Certificate of Occupancy and Creation of Lien, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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**(11:00 A.M.) HEARING ON THE FINAL REPORT OF THE BLUE RIBBON COMMISSION ON REFORMATION OF COMPETITIVE BEDDING OF PUBLIC CONSTRUCTION PROJECTS, AND DIRECTION TO STAFF TO RETURN WITH REVIEW AND COMMENTS REGARDING IMPLEMENTATION OF THE COMMISSION'S RECOMMENDATIONS**

President Perea announced the time had arrived to consider the issue, opened the hearing, and gave a brief overview noting the issue was raised by 1,000 Friends of Fresno and it was determined the Charter section on competitive bidding needed to be reviewed, and stated a significant number of recommendations were being made that he believed would improve the service delivery to Fresno residents and maximize use of taxpayer dollars.

Steve Carroll, Chairman, Blue Ribbon Commission, identified members in attendance and outlined the process undertaken, major issues the committee discussed, and recommendations they were making.

President Perea commended Mr. Carroll and the commission for all their time and efforts, and questioned the implementation process with City Attorney Montoy advising she would report back with options and recommendations ( i.e., what Council could do by ordinance and timing relative to those matters that needed to go before the voters). President Perea thanked Bob Dwyer of 1,000 Friends for his part in the matter.

Speaking to the issue and commending the commission were: Stebbins Dean, CEO, Chamber of Commerce; and Martin McIntyre, 1761 E. Ticonderoga, who spoke as an interested citizen and as a department head who deals with \$80 million worth of capital projects annually.

Upon call, no one else wished to be heard and President Perea closed the public testimony portion of the hearing.

Councilmember Quintero commended the commission and Mr. Dwyer and presented questions relative to whether larger cities were using the design-build option, if input had been received from labor groups, process hereafter if the report and recommendation are accepted, and prevailing wages, with Ms. Montoy responding. Councilmember Calhoun noted the issue arose due to the exhibit hall project adding this showed democracy worked, **(5 - 0)** and commended everyone involved for all their efforts. Councilmember Duncan stated he learned about the process to change the Charter noting it was a process that came from the community and not the council dais, and stated this was a model that could be used for the future adding the process worked.

On motion of President Perea, seconded by Councilmember Castillo, duly carried, RESOLVED, the Blue Ribbon Commission's Final Report hereby accepted, and staff directed to report back within 30 days with options to implement the Commission's recommendations, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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**LUNCH RECESS - 12:06 P.M. - 2:00 P.M.**

**(2:00 P.M.) CLOSED SESSION:**

**(A) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION:**

1. CLAIM OF LAURA FERRIS RM NO. 20010568
2. CLAIM OF SCOTT ELLIS
3. JOHN AND LUPE FLORES, DBA YAHWEH'S BEST RECYCLING V. CITY OF FRESNO

**(B) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS:**

1. INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS LOCAL 309 (LOCAL 30)
2. FRESNO CITY EMPLOYEES ASSOCIATION (FCEA)
3. FRESNO POLICE OFFICERS ASSOCIATION NON-SUPERVISORY POLICE (FPOA)
4. INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753 NON-MANAGEMENT FIRE (IAFF)
5. AMALGAMATED TRANSIT UNION, LOCAL 1027 (ATU)
6. INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 100 (IBEW)
7. FRESNO POLICE OFFICERS ASSOCIATION POLICE MANAGEMENT (FPOA)
8. INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753 FIRE MANAGEMENT (IAFF)
9. FRESNO AIRPORT PEACE OFFICERS/FIREFIGHTERS ASSOCIATION (FAPOFA)
10. CITY OF FRESNO PROFESSIONAL EMPLOYEES ASSOCIATION (CFPEA)
11. CITY OF FRESNO MANAGEMENT EMPLOYEES ASSOCIATION (CFMEA)

**(C) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: CITY OF FRESNO V. CIVIC CENTER SQUARE, INC., GLENDALE FEDERAL BANK (CAL FED BANK)**

**(D) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - ONE POTENTIAL CASE: CASE NAME UNSPECIFIED (DISCLOSURE OF TITLE WOULD EITHER JEOPARDIZE ABILITY TO EFFECTUATE SERVICE OF PROCESS OR JEOPARDIZE ABILITY TO CONCLUDE EXISTING SETTLEMENT NEGOTIATIONS TO CITY'S AND AGENCY'S ADVANTAGE)**

The City Council met in Room 2125 at the hour of 2:00 p.m. to consider the above issues and reconvened in regular open session at 3:34 pm. Councilmember Quintero arrived later.

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**(3:30 P.M.) CONSIDER ADOPTION OF MFS RESOLUTION AMENDMENT TO ELIMINATE ONE-HOUR FREE PARKING IN PARKING MAINTENANCE DISTRICT NO. 1**

**1. \* RESOLUTION NO. 01-227 - 384<sup>TH</sup> AMENDMENT TO MFS RES 80-420 AMENDING THE PARKING MAINTENANCE DISTRICT NO 1 SHORT-TERM DAILY RATES AND RE-INVEST REVENUE GENERATED INTO DOWNTOWN PARKING**

A motion and second was made to adopt the resolution and brief discussion ensued with Traffic Engineer Padilla responding to questions and/or comments of President Perea, Councilmember Boyajian and Acting President Ronquillo relative to how much revenue would be generated, maintaining parking structures and parking meters, why Fresno County received so much free parking, timeline for the new electronic meters, and need for staff to get aggressive in ticketing and going after the fines.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 01-227 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea
Noes	:	None
Absent	:	Quintero

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**(3:45 P.M.) BILL NO. B-60 - ORDINANCE NO. 01-57 - APPROVING AMENDMENT NO. 1 TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY AND ZACKY FARMS, INC., AND OTHERS, RELATING TO THE PROPOSED TRANSFER OF THE BELGRAVIA CHICKEN PLANT AND FACILITIES TO FOSTER FARMS**

Assistant City Manager Souza advised staff had reviewed the spreadsheet submitted by Zacky and found Zacky had invested over \$5 million in new capital assets in accordance with the development agreement.

Councilmember Calhoun noted he raised questions during budget relative to the subject contract and Grundfos and asked for explanations from staff which he had not received, and commented on the “incentive credits” for jobs provision in the subject agreement and questioned if the jobs that would be transferred from Zacky to Foster Farms would also be eligible for the job credit incentives and if there was any duplication of economic incentives that would be paid out as a result of the subject transaction, with Mr. Souza, City Manager Hobbs and City Attorney Montoy responding. Mr. Souza also responded to questions of Councilmember Castillo relative to number of original Zacky employees still employed which Zacky received credit for and if staff could verify that improvements had been made.

President Perea advised a conscious decision was made by the past administration over the past few years to *not* bring the financial obligation issue forward to Council showing the true costs and future implications, stated another issue was how many other agreements of this type were “hanging out there”, acknowledged the debt needed to be paid and questioned if the City had been extra diligent, from a financial standpoint, in making sure the companies had met all of their contractual obligations before the City made payments or was the City just paying out money adding this was also his hesitation earlier with the Calcot issue, and questioned when Council would be receiving an official response from the administration on Councilmember Calhoun’s request for information on all the agreements, and questioned if the matter could be delayed to get questions answered, with Mr. Souza and Mr. Hobbs responding.

Acting President Ronquillo spoke to the benefit of public/private efforts and future tax revenues exceeding the City's upfront money when projects are fully built out such as the "old turkey plant" and explained, and stated using Measure "C" for the payment was appropriate and concluded stating if a project created money and job opportunities that was what the game was all about. Mr. Souza responded briefly to questions of Councilmember Duncan relative to the transaction with Councilmember Duncan speaking in support of the issue stating it was incumbent upon Council as a business-friendly council to do all they could to facilitate the transaction, and made a motion to approve the ordinance. President Perea directed the resolution reallocating Measure "C" funds passed within the last year be scheduled on the next agenda. Upon question of Councilmember Calhoun, Mr. Souza confirmed the checks had not yet been cut for Grundfos and Foster Farms until additional information was received.

On motion of Councilmember Duncan, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Bill No. B-60 adopted as Ordinance No. 01-57, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	Calhoun
Absent	:	None

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#### **RECESS - 4:10 P.M. - 4:24 P.M.**

#### **(4:20 P.M.) \* BILL NO. B-63 - ADDING SECTION 10-1018 TO THE FRESNO MUNICIPAL CODE RELATING TO PRIVATE PARKING FACILITIES - PRESIDENT PEREA**

Dirk Poeschel, representing an association of property owners with shopping centers, stated a major component of shopping centers was management of traffic parking areas, advised of problems encountered in private parking lots, and spoke in support of the ordinance which would allow private security to cite people on private property with the revenues from fines going to the City.

Discussion ensued with Mr. Poeschel and City Attorney Montoy responding to questions and comments of Councilmembers Calhoun and Boyajian relative to how serious the problem was, concern with "using a huge mallot for one little bug", the potential for litigation against the city, issues relative to people writing tickets, if this ordinance was unusual and if it was used elsewhere, individuals authorized to issue citations **(6 - 0)**, implication of City involvement due to revenues going to the City, and liability issues. Councilmember Boyajian stated he supported the revenue stream but felt other issues also needed to be looked at. Councilmember Calhoun stated the private sector should receive the revenues as it was not the City's role to receive revenues from private property, and Councilmember Duncan spoke briefly in support.

On motion of Acting President Ronquillo, seconded by President Perea, duly carried, RESOLVED, the above entitled Bill No. B-63 introduced before the Council and laid over, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	Calhoun
Absent	:	None

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## CLOSED SESSION ANNOUNCEMENTS:

City Attorney Montoy announced in the matter of “A-1”, Claim of Laura Ferris, the Council voted 4-0 to deny the claim with President Perea, Councilmember Quintero and Acting President Ronquillo absent; and in the matter of “A-2”, Claim of Scott Ellis, the Council voted 6-0 to reject the claim with Acting President Ronquillo absent.

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## RECESS - 4:45 P.M. - 5:30 P.M.

**(5:30 P.M. #1) HEARING TO CONSIDER PROPOSED MODIFICATION TO CONDITIONAL USE PERMIT (CUP) APPLICATION NO. C-00-232, FILED BY CONSOLIDATED INDUSTRIES, INC., PROPERTY LOCATED AT 9460 S. SOMERVILLE DRIVE**

**1. CONSIDER AND ADOPT CATEGORICAL EXEMPTION ISSUED FOR ENVIRONMENTAL ASSESSMENT NO. C-00-232**

**2. RESOLUTION NO. 01-228 - APPROVING CUP NO. C-00-232**

President Perea announced the time had arrived to consider the issue and opened the hearing. Planning Manager Beach clarified at issue was a conditional use permit noting Resolution #2 was incorrectly listed on the agenda as a plan amendment, reviewed the issue and findings that could be made, all as contained in the staff report, advised the project met all requirements and had the support of staff, and recommended the findings be made and the CUP approved.

Speaking to the issue were: Dirk Poeschel, representing the applicant, who gave an overview of the project and requested Council’s support; and area residents Rod Simas and Vincent Bono, 2398 E. Brandon Lane, who spoke in opposition to the sale of alcohol.

Upon call, no one else wished to be heard and President Perea closed the public testimony portion of the hearing.

Relative to comments made Councilmember Duncan and Mr. Beach clarified the matter did not go back before the Northeast Implementation Committee at their request, and Councilmember Duncan spoke in support of the project noting the developer had done everything to address concerns and voluntarily offered the most restrictive CUP for beer and wine sales, stated he was sensitive to area concerns but emphasized store would be monitored closely, and commended the developer and neighbors for their efforts and concerns throughout the process and made a motion to approve staff’s recommendation.

Councilmembers Quintero and Calhoun spoke in support of the project with Councilmember Calhoun explaining why he was changing his position, and Councilmembers Boyajian and Castillo spoke in opposition stating a promise was made for no alcohol sales and the past agreement should be upheld. Police Capt. Martin responded to questions of President Perea relative to ABC’s guidelines for alcohol sales in the area, the police department’s position if there had been an over-saturation of alcohol sales, on-site and off-site sales, and if the same types of alcohol-related problems happened in all areas of city

Categorical Exemption issued for E.A. No. C-90-232 accepted; and the above entitled Resolution No. 01-228 hereby adopted subject to the following conditions: (1) Development shall take place in accordance with Exhibits A, B-1, B-2 and L, dated November 3, 2000, to be revised as required, (2) Development shall take place in accordance with Special Conditions of Project Approval, dated May 10, 2001, and (3) Development shall take place in accordance with the General Conditions to Project Approval, by the following vote:

Ayes	:	Calhoun, Duncan, Quintero, Ronquillo, Perea
Noes	:	Boyajian, Castillo
Absent	:	None

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**(5:30 P.M. #2) HEARING TO CONSIDER COUNCIL DISTRICT REDETERMINATION REPORT AND INTRODUCTION OF ORDINANCE TO ADOPT NEW COUNCIL DISTRICT BOUNDARIES**

**1. BILL - ADOPTING THE BOUNDARIES IDENTIFIED IN THE COUNCIL DISTRICT REDETERMINATION REPORT**

**2. BILL NO. B-64 - ADOPTING BOUNDARIES IDENTIFIED IN THE REVISION "A" ALTERNATIVE**

**(7 - 0)** President Perea announced the time had arrived to consider the issue and opened the hearing.

Development Director Yovino reviewed the staff report as submitted including the two alternatives before Council and requested Council initiate one of the ordinances or give direction to bring another one back.

Speaking to the issue and presenting questions were: Jean Allen, 5508 N. Seventh, representing the University Portals Homeowners Association, who requested they remain in District 6; Len Thornton, 5768 N. Millbrook; Birger Johnson, 1508 E. Almendra; and Rhoda Corcoran, 1701 W. Santa Ana.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Mr. Yovino responded to questions of Acting President Ronquillo relative to the First Street and central area issues and the proposed splitting up one neighborhood on Brawley between Clinton and Shields. President Perea and Mr. Yovino responded to questions presented by the speakers and President Perea clarified the reasons why the city was going through the boundary change process.

Councilmember Duncan commended staff for their work, advised the University Portals residents they would now have two council members working for them, and stated the process had been very fair and objective and made a motion to introduce the revision "A" alternative, which motion was seconded and acted upon after additional discussion.

Councilmember Calhoun also commended staff and the citizens in attendance for their interest and participation and clarified Council wore two hats in representing their own district *and* the entire city. President Perea responded to questions from an earlier speaker relative to rescinding a prior council decision to build a police substation in northeast Fresno. Councilmember Castillo addressed comments made by University Portals residents; spoke to the

number of residents residing in the area south of Divisadero, north of Highway 41, and in between the two railroad tracks and on how District 3's numbers would be affected down the road, and stated he felt it was incumbent for all members of council to pitch in and make decisions for the betterment of downtown and explained. **(8 - 0)** Mr. Yovino responded to questions of Councilmember Boyajian relative to rationale for changes to the Gettysburg/Ashlan/Cornelia area, the triangle area south of Shaw, and consolidating some of the county islands. Acting President Ronquillo commented on downtown representation and downtown being the heart of the city. President Perea advised he would begin dialog with council on the repeal the charter section providing for up to nine council members and placing the matter on the ballot. Mr. Yovino responded to further questions on the Ashlan/Cornelia area remaining in District 1 and requested population figures, and on when the new boundaries would take effect.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, **RESOLVED**, the above entitled Bill No. B-64 introduced before the Council and laid over, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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## ADJOURNMENT

There being no further business to bring before the Council, the hour of 7:05 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

**APPROVED** on the 24<sup>th</sup> day of July, 2001.

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ATTEST:\_\_\_\_\_

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Henry Perea, Council President

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Yolanda Salazar, Assistant City Clerk